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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/893,112  
Filing Date: June 27, 2001  
Appellant(s): WALKER ET AL.

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David R. Risley  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/11/2009 appealing from the Office action mailed 10/16/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,903,755	Pugaczewski et al	12-1999
2002/0158900	Hsieh et al	4-2001
6,259,448	McNally et al	3-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugaczewski et al (us pat 6,903,755) (hereinafter Pug) in view of Hsieh et al (us 2002/0158900) (hereinafter Hsieh).

**As regarding claim 1**, Pug discloses providing a graphical user interface that enable an operator of the service provider to construct a connection between the remote client on the client network and the service provider computer on the service provider (see Pug col.3, lines 1-14; provide GUI to network management system for configuring a connection between first service end point may be an ISP and the second service end point may be a customer);

using a process that is the same regardless of a configuration of the remote client networks (see Pug abstract, provide a genetic set of models to configure the network connection between the first end point and the second end point);

receiving a command of the service provider operator with the GUI that convey the identity of a particular client and a particular service provider computer to be accessed by the client (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542);

automatically determining the configuration of the client network (see Pug col.19, lines 59-67 to col.20, lines 1-33, also see figure 23);

automatically establishing connection between client's network and the service provider computer (see Pug col.4, lines 40-47, configuring network connection between provider access point and a user access point; col.19, lines 59-67 to col.20, lines 1-33, also see figure 23);

to enable the client to remotely utilize the computing capabilities of the service provider computer (see Pug col.8, lines 14-22, a customer connects to an internet service provider).

repeating actions (b) through (d) for multiple different clients having different network configurations, the process used by the service provider operator to construct the connection using the GUI being the same regardless of the different network configurations (see Pug abstract, provide a genetic set of models to configure the network connection between the first end point and the second end point; Pug discloses all the steps above).

Pug discloses the invention as claimed, however Pug does not specifically disclose the connection between the customer and the service provider is a VLAN.

Hsieh discloses the connection between the customer and the service provider is a VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Hsieh to the method of Pug to use VLAN as the connection between the customer and the service provider for the purpose of avoiding latency infrastructures as compared with operating across a number of routers (see Hsieh pg.6, par 0053; pg.7, par 0058).

**As regarding claim 2**, Pug-Hsieh discloses wherein the GUI comprises lists of clients and available service provider computers (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

**As regarding claims 3**, Pug-Hsieh discloses wherein receiving commands comprises first receiving selection of a client for which connectivity is to be provided (see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of ISP 542).

**As regarding claim 4**, Pug-Hsieh discloses detecting association of a service provider computer with a client VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058). The same motivation was utilized in claim 1 applied equally well to claim 4.

**As regarding claims 6**, Pug-Hsieh discloses wherein determining the client network configuration comprises accessing a connectivity database that stores the client network configuration (see Pug col.1, lines 62-67).

**As regarding claims 12-16**, the limitations of claims 12-16 are similar to limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims 1-4, 6.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pug and Hsieh as applied to claim 4 above, and further in view of McNally et al (us pat 6,259,448) (hereinafter McNally).

**As regarding claim 5**, Pug-Hsieh discloses the invention substantially as claimed in claim 4 above, however the combination of Pug-Hsieh does not disclose the concept drag and drop in GUI.

McNally teaches the concept of implement the drag and drop protocol in a graphical user interface (see McNally col.2, lines 9-21).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of McNally to the method of Pug-Hsieh to implement drag and drop protocol in a GUI, because by dragging and dropping would reduce the work of administrator and minimize the number of actions required by the administrator (see McNally col.2, 1-40).

**(10) Response to Argument**

1) Appellant argues that the prior art Pugaczewski et al (hereinafter Pug) does not disclose, "using a process, a GUI that is the same regardless of configurations of the remote client networks".

In response to the above, Pug teaches using a software process stored on a computer readable medium to perform a method of connecting two subnets having elements of different types, different types of network connections (see col.2 lines 3-16, col.9, lines 20-23, not limiting to any network connections). Pug further discloses using a GUI to provide system's user (such as operator) to initiate a connections builds for clients in different subnets, wherein these subnets having elements of different types (see col.4, lines 1-9). Since these subnets are made up of different types and the network connections can be varies. It is obvious to one with an ordinary skill in the art would realized that utilized a method, a GUI to initiate a connection build regardless of client networks. Furthermore, Pug does not prevent from using a method or a GUI regardless of different client networks, but he suggests that regardless of the different of elements in different subnets, the connections between these subnets are still possible by utilizing a GUI and the software process.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.



For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/D. D./

Examiner, Art Unit 2452

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